

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

Case No. 1:23-cv-00853-DAE

GREG ABBOTT, in his capacity as  
GOVERNOR OF THE STATE OF TEXAS,  
and THE STATE OF TEXAS,

*Defendants.*

**PLAINTIFF UNITED STATES' OBJECTIONS TO DEFENDANTS' EXHIBITS**

Pursuant to the Court's scheduling order in this case (ECF 214) and the Local Civil Rules of the Western District of Texas, Plaintiff the United States of America asserts the following objections to Defendants' Exhibit List (ECF 240 at 4-17). The United States also asserts a general objection to Defendants' Exhibit List on the basis that Defendants failed to provide an "appropriate identification of each exhibit as specified in [Local Civil Rule 16] ... separately identifying those that the party expects to offer and those that the party may offer if the need arises." W.D. Tex. R. 16(f)(4).

The United States reserves the right to interpose objections premised on the specific use of any exhibit, as allowed by the Local Rules. Additionally, the United States reserves the right to interpose any and all objections to those exhibits the United States could not identify based on Defendants' description. The United States further reserves the right to waive any objection.

EXHIBIT	DESCRIPTION	PLAINTIFF'S OBJECTION(S)
1	1975 USACE Navigability Study and Navigability Letter (Beg. Bates USACE0001132).	
2	USCG Navigability Determination, Rio Grande River, TX (Oct. 19, 1984)	
3	33 C.F.R. 2.36. Navigable waters of the United States, navigable waters, and territorial waters. <a href="https://www.govinfo.gov/content/pkg/CFR-2023-title33-vol1/xml/CFR-2023-title33-vol1-sec2-36.xml">https://www.govinfo.gov/content/pkg/CFR-2023-title33-vol1/xml/CFR-2023-title33-vol1-sec2-36.xml</a> .	
4	33 C.F.R. 2.40. Maintenance of decisions. <a href="https://www.govinfo.gov/content/pkg/CFR-2023-title33-vol1/xml/CFR-2023-title33-vol1-sec2-36.xml">https://www.govinfo.gov/content/pkg/CFR-2023-title33-vol1/xml/CFR-2023-title33-vol1-sec2-36.xml</a> .	
5	33 C.F.R. 322.2. Definitions. <a href="https://www.govinfo.gov/content/pkg/CFR-2010-title33-vol3/pdf/CFR-2010-title33-vol3-sec322-2.pdf">https://www.govinfo.gov/content/pkg/CFR-2010-title33-vol3/pdf/CFR-2010-title33-vol3-sec322-2.pdf</a> .	
6	33 C.F.R. 326. Enforcement. <a href="https://www.govinfo.gov/content/pkg/CFR-2011-title33-vol3/xml/CFR-2011-title33-vol3-part326.xml">https://www.govinfo.gov/content/pkg/CFR-2011-title33-vol3/xml/CFR-2011-title33-vol3-part326.xml</a> .	
7	33 C.F.R. 329. Definition of Navigable Waters of the United States. <a href="https://www.govinfo.gov/content/pkg/CFR-2012-title33-vol3/pdf/CFR-2012-title33-vol3-part328.pdf">https://www.govinfo.gov/content/pkg/CFR-2012-title33-vol3/pdf/CFR-2012-title33-vol3-part328.pdf</a>	
8	Declaration of Ben Valdez	Hearsay
9	Declaration of Chris Nordloh	Hearsay
10	Declaration of Ramon Gonzalez	Hearsay; Relevance
11	Eagle Pass/Piedras Negras Daily Flow Charts	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections
12	Expert Witness Report, Mr. Thomas P. Ciarametaro. (Served Jun. 14, 2024).	Hearsay; Relevance
13	Expert Witness Report, Prof. Eleftherios Iakovou, Ph.D. (Served Jun. 14, 2024).	Hearsay; Relevance

EXHIBIT	DESCRIPTION	PLAINTIFF'S OBJECTION(S)
14	Map (Ex. 13 to Dep. of Dr. B. Johnson)	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections
15	Map of Eagle Pass and Surrounding Area (Ex. 20 to Dep. of Dr. B. Johnson)	Authentication; Hearsay; Relevance
16	Map of Eagle Pass, Texas 1887 (Ex. 18 to Dep. of Dr. B. Johnson)	Authentication; Hearsay
17	Marinetraffic.com Navigational Heatmap	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections
18	Marinetraffic.com Statement on Data Collection	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections
19	Melanie Casner Feb. 16, 2024, Email to Timothy MacAllister regarding watercraft and operations in the Rio Grande (US0002301).	
20	National Waterway Network List of Navigable Waterways	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections
21	Navigational Heatmap NOAA	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections
22	US Waterway Vessel Density 2016-2023	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections
23	US Waterway Vessel Density 2016-2023 Descriptions	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections

EXHIBIT	DESCRIPTION	PLAINTIFF'S OBJECTION(S)
24	USACE National Waterways Study - A Framework for Decision Making – Final Report NWS-83-1, (Jan. 1983).	Relevance
25	USACE Texas Waterway Profile	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections
26	USACE Texas Waterway Traffic Report	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections
27	Expert Witness Report, Dr. Tong Zhao. (Served Jun. 14, 2024).	Relevance; Hearsay
28	Expert Witness Report, Dr. F. Douglas Shields, Jr., Reasonableness of proposed improvement of the Rio Grande for navigation downstream of Amistad Dam. (Served Jun. 14, 2024).	Relevance; Hearsay
29	Expert Witness Report, Mr. Ancil Taylor. (Served Jun. 14, 2024).	Relevance; Hearsay
30	Expert Witness Report, Mr. Ancil Taylor, First Supplemental Report. (Served on Jul. 1, 2024).	Relevance; Hearsay
31	Expert Witness Report, Mr. Carlos Rubinstein & Mr. Herman R. Settemeyer, P.E., Expert Report on Water and Water Right Impacts Along the Rio Grande in Texas - Particularly as it Relates to Navigation as a Beneficial Use of Water. (Served Jun. 14, 2024).	Relevance; Hearsay
32	Expert Witness Report, Ms. Christine Magers and Ms. Cassandra Hart, Environmental Resources & Impacts Review. (Served Jun. 14, 2024).	Relevance; Hearsay
33	Expert Witness Report, Ms. Christine Magers and Ms. Cassandra Hart, Environmental Resources & Impacts Review, First Supplemental Report. (Served Jun. 27, 2024).	Relevance; Hearsay
34	Water Levels at Amistad Reservoir	Relevance
35	Amistad Dam Flood Operations and Safety Manual Produced by USIBWC on Jul. 15, 2024.	Relevance
36	Amistad Dam Water Release Requests Protocol	Relevance
37	FEMA Eagle Pass Special Flood Hazard Area Map	Relevance

EXHIBIT	DESCRIPTION	PLAINTIFF'S OBJECTION(S)
38	IBWC Rio Grande Allotment, Current Cycle (Oct. 25, 2020, thru June 1, 2024).	Relevance
39	Joint Agency Guide - SMART Planning & USACE Feasibility Studies - Guide to Coordination and Engagement with the Services (Sep. 2016).	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections; Relevance; Cumulative
40	U.S. Army Corps of Engineers SMART Planning Feasibility Studies - A Guide to Coordination and Engagement with the Services (Sep. 2015).	Relevance; Cumulative
41	National Academies Press, Funding and Managing the U.S. Inland Waterways System: What Policy Makers Need to Know: What Policy Makers Need to Know (2015).	Hearsay; Relevance; Cumulative; Unqualified Expert Opinion/Improper Lay Opinion
42	Texas Water Development Plan	Relevance
43	Water Treaty of 1944 – Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande Treaty between the United States and Mexico	
44	Tables 1-5 excerpted from Doug Shields' Expert Report	Relevance; Hearsay
45	“Head of Navigation” (Ex. 7 to Dep. of Dr. B. Johnson)	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections; Hearsay
46	“Rio Grande” by Leon C. Metz (Ex. 8 to Dep. of Dr. B. Johnson)	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections; Hearsay
47	“San Antonio Crossing” (Ex. 4 to Dep. of Dr. B. Johnson)	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections; Hearsay

EXHIBIT	DESCRIPTION	PLAINTIFF'S OBJECTION(S)
48	“San Antonio Crossing” (Ex. 6 to Dep. of Dr. B. Johnson)	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections; Hearsay
49	Except from “River of Lost Dreams” by P. Kelley (Ex. 10 to Dep. of Dr. B. Johnson)	
50	Excerpt from “Great River” by P. Horgan (Ex. 15 to Dep. of Dr. B. Johnson)	
51	Excerpt from “Upper Rio Grande” by B. P. Tilden (Ex. 9 to Dep. of Dr. B. Johnson)	
52	Article from El Paso Herald (Ex. 14 to Dep. of Dr. B. Johnson)	
53	Excerpt from Sul Ross State Teachers College Bulletin 48 (Ex. 16 to Dep. of Dr. B. Johnson)	
54	Expert Witness Report, Dr. Heather Miller. (Served Jun. 14, 2024).	Hearsay
55	Handbook of Texas Online Entry (“Rio Grande”) by Tex. State Hist. Ass’n and Metz	Hearsay; Cumulative
56	Handwritten Letter from D. Kingsbury to Maj. Chapman (Ex. 11 to Dep. of Dr. B. Johnson)	
57	Letter from D. Kingsbury to Maj. Chapman dated May 18, 1849 (Ex. 12 to Dep. of Dr. B. Johnson)	
58	Monthly Return of Public Animals (Ex. 17 to Dep. of Dr. B. Johnson)	
59	Report to Congress of American Section of Int’l Water Comm. (Ex. 8 to Dep. of Dr. B. Johnson)	
60	Appendix 3, Table of River Mileages, (Ex. 5 to Dep. Of A. Cortez)	
61	Declaration of Loren Flossman	Hearsay; Unqualified/undisclosed Expert/Improper Lay Opinion Testimony
62	Declaration of Victor Escalon	Hearsay; Unqualified/undisclosed Expert/Improper Lay Opinion Testimony
63	33 C.F.R. 332.3(a). Activities requiring permits; General. <a href="https://www.govinfo.gov/content/pkg/CFR-2023-title33-vol3/pdf/CFR-2023-title33-vol3-sec322-3.pdf">https://www.govinfo.gov/content/pkg/CFR-2023-title33-vol3/pdf/CFR-2023-title33-vol3-sec322-3.pdf</a> .	

EXHIBIT	DESCRIPTION	PLAINTIFF'S OBJECTION(S)
64	33 U.S.C. §401. Construction of bridges, causeways, dams or dikes generally; exemptions. <a href="https://www.govinfo.gov/content/pkg/USCODE-2022-title33/html/USCODE-2022-title33-chap9-subchapI-sec401.htm">https://www.govinfo.gov/content/pkg/USCODE-2022-title33/html/USCODE-2022-title33-chap9-subchapI-sec401.htm</a> .	
65	33 U.S.C. §403. Obstruction of navigable waters generally; wharves; piers, etc.; excavations and filling in. <a href="https://www.govinfo.gov/content/pkg/USCODE-2022-title33/html/USCODE-2022-title33-chap9-subchapI-sec403.htm">govinfo.gov/content/pkg/USCODE-2022-title33/html/USCODE-2022-title33-chap9-subchapI-sec403.htm</a> .	
66	33 U.S.C. §406. Penalty for wrongful construction of bridges, piers, etc.; removal of structures. <a href="https://www.govinfo.gov/content/pkg/USCODE-2022-title33/html/USCODE-2022-title33-chap9-subchapI-sec406.htm">https://www.govinfo.gov/content/pkg/USCODE-2022-title33/html/USCODE-2022-title33-chap9-subchapI-sec406.htm</a> .	
67	33 U.S.C. §413. Duty of United States attorneys and other Federal officers in enforcement of provisions; arrest of offenders. <a href="https://www.govinfo.gov/content/pkg/USCODE-2022-title33/html/USCODE-2022-title33-chap9-subchapI-sec413.htm">https://www.govinfo.gov/content/pkg/USCODE-2022-title33/html/USCODE-2022-title33-chap9-subchapI-sec413.htm</a> .	
68	85 Fed. Reg. 14953 et seq. (March 16, 2020)	
69	Binational Joint Survey (IBWC0006615).	
70	City of Eagle Pass, TX Future Land Use Map	Relevance; Hearsay
71	Civil Works 101 - Becky Moyer, Chief, Planning & Policy Southwestern Division (Aug. 27, 2015)	Relevance
72	Close up Google Earth of the Buoys (USACE0008019).	
73	Congressional Research Service - Process for U.S. Army Corps of Engineers (USACE) Projects (Mar. 7, 2024).	Relevance
74	Convention of 1889 – Convention between the United States and Mexico	
75	IBWC Emails (Beg. Bates IBWC0004406).	Relevance
76	IBWC List of Structures, Produced by the USIBWC on Jul. 15, 2024.	Relevance
77	Micky D Donaldson Jul. 11, 2023, Email to DRT OPS Div Subject: DPS Buoy Deployment Update (CBP0000319).	Relevance

EXHIBIT	DESCRIPTION	PLAINTIFF'S OBJECTION(S)
78	Photograph of Rio Grande River (Ex. 4 to Dep. Of Margaret Gaffney-Smith.	Authentication; Relevance
79	Photograph of Rio Grande River (Ex. 7 to Dep. Of Margaret Gaffney-Smith.	Authentication; Relevance
80	Texas DPS Drone Video of Rio Grande near Location of Floating Buoy Barrier (Aug. 17, 2023)	
81	Video of the segment of the Rio Grande River between River Mile Markers 275.5 and 610 (DPS).	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections
82	Photographs of Buoys	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections; improper compendium exhibit
83	Photograph Migrants walking near buoys AFP via Getty Images	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections; Authentication; Relevance
84	USCBP Jun. 14, 2023, Briefing on potential deployment of floating barrier system. (CBP0000089).	
85	USIBWC Emails sent 2/11/24 and 2/12/24 (Beg. Bates IBWC0020469).	
86	ABC News (A. Garcia), "3-Year-Old Boy Dies After Being Swept Away While Crossing Rio Grande with His Family" (Sept. 21, 2023)	Relevance; Hearsay; Cumulative
87	CBS News, "At Least 853 Migrants Died Crossing the U. S. – Mexico Border in Past 12 Months – A Record High" (Oct. 28, 2022)	Relevance; Hearsay; Cumulative
88	CNN (R. Flores & R. Nieves), A Texas Sheriff Says He Finds the Bodies of Migrants Almost Every Day. 2022 Could Be the Deadliest Year Yet for Migrants Crossing the US Border (Aug. 24, 2022).	Relevance; Hearsay; Cumulative
89	CNN Politics, "First on CNN: A Record Number of Migrants Have Died Crossing the US – Mexico Border" (Sep. 7, 2022)	Relevance; Hearsay; Cumulative

EXHIBIT	DESCRIPTION	PLAINTIFF'S OBJECTION(S)
90	Fox News (L. Richard), "Texas DPS Recovered Four Bodies, Including Infant, From Rio Grande in Eagle Pass in 48 Hours: Spokesman" ( July 4, 2023)	Relevance; Hearsay; Cumulative
91	Fox News "UN Migration Study Deems US – Mexico Border 'Deadliest' Land Route in the World ( July 4, 2022)	Relevance; Hearsay; Cumulative
92	KSAT News (R. Salinas & D. Ibarra), "Child, Man Drowned Within Two Days While Crossing Rio Grande" (Sept. 22, 2023)	Relevance; Hearsay; Cumulative
93	Micky D Donaldson Aug. 3, 2023, Email on Deceased Male whose body floated downriver to the buoys (CBP0000341).	Relevance
94	Texas Monthly (A. Nelsen), "What Happens to the Migrants Who Don't Make It?" (Apr. 2024)	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections; improper compendium exhibit; Hearsay; Relevance; Cumulative
95	Texas Tribune ( J. L. Carver), "Infant Girl Among Four Found Dead in Rio Grande" ( July 4, 2023)	Relevance; Hearsay; Cumulative
96	Texas Tribune (U. Garcia), "In a Border Graveyard, Volunteers Exhume Migrants' Bodies and Search for Their Families" ( Jan. 24, 2023)	Relevance; Hearsay; Cumulative
97	Texas Tribune (W. Melhado), "Authorities Report Nine Drowning Victims After Deadly Rio Grande Crossing" (Sept. 3, 2022)	Relevance; Hearsay; Cumulative
98	U S News (D. Lewak), "Huge Rise in Border Deaths from Drowning, Dehydration Overwhelm Texas Border Town's Morgues" (Aug. 27, 2022)	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections; improper compendium exhibit; Hearsay; Relevance; Cumulative

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99	U. S Customs and Border Protection, "Border Patrol Warns Immigrants of Life-Threatening Risks of Crossing the Rio Grande River" (May 17, 2019)	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections; improper compendium exhibit; Relevance
100	U S Customs and Border Protection, "Border Rescues and Mortality Data" ( July 24, 2023)	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections; improper compendium exhibit; Relevance
101	U. S. News (E. A. J. Connelly), Disturbing Video Captures Migrants Downing in Rio Grande" (Mar. 20, 2021)	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections; improper compendium exhibit; Hearsay; Relevance; Cumulative
102	Missing Migrants Project "Annual Regional Overview – Executive Summary"	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections; improper compendium exhibit; Hearsay; Relevance; Cumulative
103	New York Times (D. Montgomery & M. Jordan), "Nine Migrants Drown as Dozens Are Swept Down Rio Grande" (Sept. 2, 2022)	Relevance; Hearsay; Cumulative
104	New York Times (M. Jordan), "9-Year-Old Migrant Girl Dies Trying to Cross Rio Grande into U. S." (Mar. 26, 2021)	Relevance; Hearsay; Cumulative
105	World Radio Article - Enforcing the law at the border - Immigration is taking its toll on the border patrol agents in South Texas, hosted by Bonnie Pritchett (Nov. 17, 2022).	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections; improper compendium exhibit; Hearsay; Relevance; Cumulative

EXHIBIT	DESCRIPTION	PLAINTIFF'S OBJECTION(S)
106	CBP Email to EGT Supervisors Jan. 24, 2024, On woman crossing the river who was stopped from crossing by buoys (CBP0000132).	
107	Micky D. Donaldson Aug. 29, 2023, Email on CBP performing zero rescues in location of Buoys and C-Wire (Beg. Bates CBP0000761).	Hearsay
108	Summary of Press Statement (IBWC0007302).	
109	“Biden-Harris Administration” Designates Fentanyl Combined with Xylazine as an Emerging Threat to the United States” (Apr. 12, 2023)	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections; improper compendium exhibit; Relevance
110	“FACT SHEET: Biden-Harris Administration Announces Strengthened Approach to Crack Down on Illicit Fentanyl Supply Chains” (Apr. 11, 2023)	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections; improper compendium exhibit; Relevance
111	“Fact Sheet: White House Releases 2022 National Drug Control Strategy that Outlines Comprehensive Path Forward to Address Addiction and the Overdose Epidemic” (Apr. 21, 2022)	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections; improper compendium exhibit; Relevance
112	ABC News, “FBI Director Warms of ‘Dangerous Individuals’ Coming Across the Southern Border” (March 11, 2024)	Relevance; Hearsay; Cumulative
113	ABC News, “FBI Director Warms of ‘Dangerous Individuals’ Coming Across the Southern Border” (March 11, 2024).	Relevance; Hearsay; Cumulative
114	Blankley, “Abbott: One Person Dies Every Day in Harris County Because of Fentanyl”, the centersquare.com ( July 14, 2022)	Relevance; Hearsay; Cumulative
115	Blankley, “Retired FBI Execs to Congress: Invasion at Border ‘Perilous’ for America”, centersquare.com ( Jan. 26, 2024)	Relevance; Hearsay; Cumulative
116	Blankley, “Retired FBI Execs to Congress: Invasion at Border ‘Perilous’ for America”, centersquare.com ( Jan. 26, 2024)	Relevance; Hearsay; Cumulative

EXHIBIT	DESCRIPTION	PLAINTIFF'S OBJECTION(S)
117	Blankley, "Three More Texas Counties Declare Invasion, Bringing Total to 50", thecentersquare.com (Jan. 6, 2024) Declaration of Victor Escalon	Relevance; Hearsay; Cumulative
118	Border Disaster Declarations by Governor Greg Abbott	[See below]
118.A	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated May 31, 2021, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.B	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated June 30, 2021, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.C	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated July 30, 2021, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.D	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated August 29, 2021, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.E	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated Oct. 28, 2021, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.F.	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated Nov. 27, 2021, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.G	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated Dec. 23, 2021, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion

EXHIBIT	DESCRIPTION	PLAINTIFF'S OBJECTION(S)
118.H	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated Jan. 22, 2022, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.I	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated Feb. 21, 2022, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.J	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated March 23, 2022, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.K	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated Apr. 22, 2022, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.L	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated May 22, 2022, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.M	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated June 21, 2022, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.N	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated July 21, 2022, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.O	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated August 20, 2022, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion

EXHIBIT	DESCRIPTION	PLAINTIFF'S OBJECTION(S)
118.P	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated Sept. 19, 2022, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.Q	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated Oct. 19, 2022, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.R	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated Nov. 18, 2022, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.S	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated Dec. 16, 2022, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.T	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated Jan. 20, 2023, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.U	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated Feb. 20, 2023, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.V	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated March 22, 2023, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.W	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated Apr. 21, 2023, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion

EXHIBIT	DESCRIPTION	PLAINTIFF'S OBJECTION(S)
118.X	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated May 12, 2023, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.Y	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated June 11, 2023, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
118.Z	Letter from Gregory S. Davidson, Executive Clerk to the Governor of Texas, to the Secretary of State of Texas dated June 29, 2023, enclosing Proclamation of same date signed by Governor Greg Abbott	Hearsay; Improper lay opinion
119	About the HIDTA Program: South Texas TIDTA Southwest Border (2024).	Relevance; Hearsay
120	Daily Caller ( <a href="https://dailycaller.com">https://dailycaller.com</a> , “Exclusive: Biden Admin Watered Down Vetting Process for Chinese Illegal Immigrants, Email Shows” ( Jan. 2, 2024)	Relevance; Hearsay; Cumulative
121	Daily Wire, “‘The Country Has Been Invaded’: Former FBI Officials Issue Grave Warning on Biden’s Open Border” ( Jan. 26, 2024)	Relevance; Hearsay; Cumulative
122	Daily Wire, “‘The Country Has Been Invaded’: Former FBI Officials Issue Grave Warning on Biden’s Open Border” ( Jan. 26, 2024)	Relevance; Hearsay; Cumulative
123	DEA Website “Fentanyl Awareness”	Relevance
124	Drug Enforcement Administration, “National Drug Threat Assessment 2024” (May 2024)	Relevance
125	Eagle Pass City Council Minutes, including Emergency Resolution	Relevance; Hearsay
126	Executive Order 14059, 86 FR 71549 (“Imposing Sanctions on Foreign Person Involved in the Global Illicit Drug Trade” (Dec. 17, 2021)	Relevance
127	Executive Order by Gov. Greg Abbott (July 7, 2022)	Relevance; Hearsay; Improper Lay Opinion
128	Executive Order by Gov. Greg Abbott (May 31, 2021)	Hearsay; Improper Lay Opinion
129	Executive Order by Gov. Greg Abbott (Sept. 21, 2022)	Relevance; Hearsay; Improper Lay Opinion

EXHIBIT	DESCRIPTION	PLAINTIFF'S OBJECTION(S)
130	Fox News, "Senate Republicans Cite 'Sound of Freedom' to Demand Hearings on Human Trafficking, Biden Border Policies" (July 29, 2023)	Relevance; Hearsay; Cumulative
131	Fox News, "US Customs Confirms 4th Iranian 'Special Interest Alien' Apprehended This Month in Eagle Pass, Texas Oct. 15, 2023)	Relevance; Hearsay; Cumulative
132	Hearing transcript of hearing on The Biden Border Crisis: Part III before the Subcommittee on Immigration Integrity, Security and Enforcement, Committee on the Judiciary, U.S. House of Representatives, One Hundred Eighteenth Congress, First Session, Tuesday, May 23, 2023.	Relevance; Hearsay
133	Homeland Security Comm., U. S. House of Rep., "Factsheet: Encounters of Chinese National Surpass All Fiscal Year 2023 at the Southwest Border" (Apr. 18, 2024)	Relevance; Hearsay
134	Homeland Security Comm., U. S. House of Rep., "Factsheet: Final FY23 Numbers Show Worst Year at America's Borders – Ever" (Oct. 26, 2023)	Relevance; Hearsay
135	Homeland Security Comm., U. S. House of Rep., "FBI Director Wray Confirms the Border Crisis Poses Major Homeland Security Threat, DHS Secretary Mayorkas Stonewalls" (Nov. 15, 2023)	Relevance; Hearsay
136	Homeland Security Comm., U. S. House of Rep., "Now Nobody Crosses Without Paying": Senior Border Patrol Agents Describe Unprecedented Cartel Control at Southwest Border" (Dec. 14, 2023)	Relevance; Hearsay
137	House Resolution 863, 118th Cong., 2d Session (Apr. 16, 2024)	Relevance; Hearsay; Unqualified Expert/Improper Lay Opinion
138	ICE Press Release (Dec. 30, 2022).	Relevance
139	ICE Annual Report FY2022	Relevance
140	Wall Street Journal (T. Gonzales), "Criminal Migrants Run Free in My District" (Oct. 21, 2024)	Relevance; Hearsay; Cumulative; Unqualified Expert/Improper Lay Opinion
141	Letter from Gov. Greg Abbott to Col. Steven C. McGraw and others (Nov. 16, 2022)	Hearsay; Improper Lay Opinion
142	Letter from Governor Greg Abbott to President Joseph R. Biden, Jr. dated Jan. 8, 2023	Hearsay; Improper Lay Opinion

EXHIBIT	DESCRIPTION	PLAINTIFF'S OBJECTION(S)
143	Letter from Governor Greg Abbott to President Joseph R. Biden, Jr. dated July 24, 2023	Hearsay; Improper Lay Opinion
144	Letter from Governor Greg Abbott to President Joseph R. Biden, Jr. dated Nov. 16, 2022	Hearsay; Improper Lay Opinion
145	Letter to Speaker of the U. S. House of Representatives and other Congressional Leaders from Kevin R. Block and other former FBI and Counterintelligence Officials dated January 17, 2024 (“The United States is Facing a New and Imminent Danger”)	Hearsay; Relevance; Improper Lay Opinion
146	Natelson and Hyman, “The Constitution, Invasion, Immigration, and the War Powers of States”, Vo. 13, Issue 1, British Journal of American Legal Studies (2024)	Relevance; Hearsay; Unqualified/undisclosed Expert/Improper Lay Opinion
147	Memorandum Dated May 3, 2022, from Inspector General of U. S. Dept. of Homeland Security to Troy A. Miller, et al.	Relevance
148	Texas Public Radio ( J. Aguilar), “More than 5 Texans Die Every Die from Fentanyl. A New Online Dashboard is Tracking These Deaths” (July 15, 2023)	Relevance; Hearsay; Cumulative
149	New York Times, “Growing Numbers of Chinese Migrants Are Crossing the Southern Border” (Nov. 24,2023)	Relevance; Hearsay; Cumulative
150	New York Times, “The Southern Border, Terrorism Fears and the Arrests of 8 Tajik Men” (June 25, 2024)	Relevance; Hearsay; Cumulative
151	National Review, “Illegal Border Crossings Surged in July Despite Record Temperatures” (July 27, 2023)	Relevance; Hearsay; Cumulative
152	President’s Message to Congress on Continuation of National Emergency with Respect to Global Illicit Drug Trade (Dec. 12, 2022)	Relevance
153	Republican Governors Ass’n, “Republican Governors Band Together, Issue Joint Statement Supporting Texas’ Constitutional Right to Self-Defense” (Jan. 25, 2024)	Relevance; Hearsay; Unqualified Expert/Improper Lay Opinion
154	Statement of Governor Greg Abbott (Jan. 24, 2024)	Hearsay

EXHIBIT	DESCRIPTION	PLAINTIFF'S OBJECTION(S)
155	Statement of Mark Brnovich, former Attorney General of Arizona, to the U. S. House of Representatives Judiciary Subcommittee on the Constitution and Limited Government (Jan. 30, 2024).	Relevance; Hearsay; Unqualified/undisclosed Expert/Improper Lay Opinion
156	Testimony summary of Rodney Scott September 14, 2023, at hearing on Terrorist Entry Through the Southwest Border before the Subcommittee on Immigration Integrity, Security, and Enforcement, Committee on the Judiciary, U.S. House of Representatives, One Hundred Eighteenth Congress, Thursday, September 14, 2023.	Relevance; Hearsay; Improper Lay Opinion
157	Presentation – Operation Lonestar – Michael banks, Office of the Governor, Special Advisor to the Governor on Border Matters	Relevance; Hearsay; Improper Lay Opinion
158	U S Customs and Border Protection Apprehensions (2020 to 2023 YTD through June)	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections
159	U S Customs and Border Protection Apprehensions (2020 to 2023 YTD)	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections
160	U. S. Customs and Border Protection “CPB Releases June 2023 Monthly Update (July 18, 2023)	Relevance
161	U. S. Customs and Border Protection Apprehensions (2020 to 2023)	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections
162	U. S. Customs and Border Protection Drug Seizures (2020 to 2023)	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections
163	U. S. Customs and Border Protection, Patrolling the Rio Grande (Nov. 24, 2023).	Relevance
164	Letter from Comm. On Transp. & Infrastructure, U. S. House of Rep., to M. Connor and S. Spellmon (Oct. 19, 2023)	Hearsay; Relevance; Improper Lay Opinion

EXHIBIT	DESCRIPTION	PLAINTIFF'S OBJECTION(S)
165	Statement of Brent Webster, First Assistant Attorney General of Texas, to the U. S. House of Representatives Judiciary Subcommittee on the Constitution and Limited Government and Ex. 1-6 (Jan. 30, 2024).	Relevance; Hearsay; Improper Lay Opinion
166	Mexico News Daily, “US Ambassador emphasizes strong US-Mexico ties amid new rules for his position” (October 18, 2024)	Relevance; Hearsay; Cumulative
167	CNN, “A water war is looming between Mexico and the US. Neither side will win” (June 17, 2024)	Hearsay; Cumulative
168	NPR, “Water treaty between Mexico and U.S. faces biggest test in 80 years” (August 16, 2024)	Hearsay; Cumulative
169	Bureau of Western Hemisphere Affairs, U.S. Relations with Mexico: Bilateral Relations Fact Sheet (September 16, 2024)	
170	Associated Press, “5 Issues Ahead of Mexico’s Presidential Election” (March 4, 2024)	Relevance; Hearsay; Cumulative
171	New York Times, “Mexico Pauses Relations With U.S. Embassy Amid Clash Over Judicial Overhaul” (August 27, 2024)	Relevance; Hearsay; Cumulative
172	NPR, “Mexico Files Complaint over Texas’ floating barriers on the Rio Grande” (July 15, 2023)	Hearsay; Cumulative
173	Reuters, “Mexico says Texan buoys in Rio Grande breach water treaty” (July 14, 2023)	Hearsay; Cumulative; Cumulative
174	Information Note No. 4, “Information note on the actions being taken by the U.S. in the Rio Grande River in the area of Eagle Pass, Texas” (July 14, 2023)	
175	Information Note No. 5, “The Government of Mexico sends a second diplomatic note to the U.S. regarding the actions being taken by Texas in the Eagle Pass area of the Rio Grande River” (July 26, 2023)	
176	Dr. F. Douglas Shields, Jr., Testimony History. (Served Jun. 28, 2024).	Relevance; Hearsay
177	Article “Port Director Appointed to PAAC”	Relevance; Hearsay
178	Article “Port Director to Serve as GPA President”	Relevance; Hearsay
179	Article “Walker Smith, Port of Harlingen’s Port Director Appointed to TxDOT Port Authority Advisory Committee”	Relevance; Hearsay
180	Excerpt from Port of Harlingen Website	Relevance; Hearsay

EXHIBIT	DESCRIPTION	PLAINTIFF'S OBJECTION(S)
181	2020-21 Port of Harlingen Annual Report	Relevance; Hearsay
182	2021-22 Port of Harlingen Annual Report	Relevance; Hearsay
183	2022-23 Port of Harlingen Annual Report	Relevance; Hearsay
184	Port of Harlingen Master Plan	Relevance; Hearsay
185	Expert Designations and Opinions of Kathy Alexander and Michael Banks	Relevance; Hearsay; Unqualified Expert/Improper Lay Opinion
186	Resume of Michael W. Banks	Relevance; Hearsay
187	Transcript of Preliminary Injunction Hearing (Aug. 22, 2023).	
188	USACE Easement Deed	Exhibit insufficiently described to allow identification; the United States reserves the right to raise any and all objections
189	Defendants' First Set of Interrogatories	Hearsay
190	Defendants' First Set of Requests for Admission	Hearsay
191	Plaintiff's Fourth Amended Responses to Defendants' Interrogatories	
192	Plaintiff's Second Amended Responses to Defendants' Requests for Admission	

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**CERTIFICATE OF SERVICE**

I certify that on October 30, 2024, a copy of this filing was served on counsel of record through the Court's electronic filing system.

/s/ Brian H. Lynk